

STAFF REPORT  
November 6, 2014

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**No. 14PD033 – Major Amendment to a Planned Development to allow a group home for transitional housing**      **ITEM 10**

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GENERAL INFORMATION:

APPLICANT	Dr. Jim Castleberry – Cornerstone Rescue Mission
PROPERTY OWNER	Regional Health Network Inc.
REQUEST	<b>No. 14PD033 – Major Amendment to a Planned Development to allow a group home for transitional housing</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 1 of Fox Run Subdivision, located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.1 acres
LOCATION	301 Fox Run Drive
EXISTING ZONING	Office Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Urban Neighborhood
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development)
South:	Low Density Residential District (Planned Development)
East:	Medium Density Residential District
West:	Medium Density Residential District (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	October 10, 2014
REVIEWED BY	Fletcher Lacock / Bob Reiss

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to allow a group home for transitional housing be approved with the following stipulations:

1. The previously granted Exception to reduce the minimum required side yard setback from the south property line from 25 feet to 20 feet 8 inches is hereby acknowledged;
2. The previously granted Exception to allow a maximum lot coverage of 31.6% in lieu of 30% is hereby acknowledged;
3. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. Prior to issuance of a Certificate of Occupancy, a six foot high opaque screening fence

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- shall be installed around the parking lot and dumpster location;
5. A minimum of 12 parking spaces shall be provided. One of the parking spaces shall be handicap “van accessible”. All provisions of the Off-Street Parking Ordinance shall be continually met;
  6. A minimum of 34,512 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  7. Any proposed signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to the Planned Development. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for all signs;
  8. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
  9. All applicable provisions of the adopted International Fire Code shall continually be met;
  10. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment;
  11. The Final Planned Development shall allow for a group home for transitional housing to be operated in compliance with the applicant’s operational plan. A maximum of eight women with children, a female veteran, and four staff members shall use the facility. A maximum of 36 residents and 4 employees shall be allowed. Any expansion to the use of the structure or the number of residents shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use or is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Development. A mission, detoxification center, or detention center shall not be allowed; and,
  12. This Major Amendment to a Planned Development shall be reviewed by the Planning Commission in 6 months at the May 7, 2015 Planning Commission meeting.

**GENERAL COMMENTS:**

The applicant has submitted a Major Amendment to a Planned Development to allow a group home for transitional housing. In particular, the applicant is proposing to relocate the “Cornerstone Women’s and Children’s Group Home” from 404 Columbus Street to 301 Fox Drive. The proposed facility will have space for 8 women with children and one female veteran in need of transitional housing with a maximum of 36 residents. The operations plan states that the facility will provide safe, supervised living accommodations, community support, and an opportunity for long-term success for low-income, homeless women and their children. The goal is to reduce the incidence of homelessness by providing eligible women with transitional housing assistance leading to permanent supportive housing and independent living. The applicant has stated that the proposed facility is not a mission, detoxification center, or a battered women’s shelter.

On March 15, 1993, the City Council approved a Major Amendment to a Planned

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Development (File #PD1158) to construct a 15 bed assisted-living facility on the property.

On September 20, 1993, the City Council approved a Major Amendment to the Planned Development (File #PD1207) to construct an additional structure on the property with 15 more beds.

On April 2, 2001, the City Council approved a Major Amendment to the Planned Development (File #01PD009) to construct an addition that would connect the two separate structures and when complete would have 29 resident units, three residential suites, and two basement apartments. In addition, an Exception was granted to allow a maximum lot coverage of 31.6% in lieu of 30%.

On September 24, 2009, the Planning Commission approved an Initial and Final Planned Development (File #09PD040) to allow the sales of medical supplies and medical equipment rentals and storage within the existing building.

The property is located on the southwest corner of the intersection of 5<sup>th</sup> Street and Fox Run Drive. Currently, a one story structure approximately 13,100 square feet in size is located on the property.

**STAFF REVIEW:**

Staff has reviewed the Final Planned Development Overlay with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

1. *There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:*

The property is located on the southwest corner of the intersection of 5<sup>th</sup> Street and Fox Run Drive and is approximately 47,679 square feet in size. There is an existing structure approximately 13,100 square feet in size located on the property.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

A group home is a conditional use in the Office Commercial District. Chapter 17.04.350 of the Rapid City Municipal Code defines a group home as “[a]n activity providing personal assistance to 6 or more individuals unrelated by blood or marriage who, by reason of mental or physical disability, addiction to drugs or alcohol, or family and school adjustment problems, require specialized attention and care in order to achieve personal independence. The assistance must include board and room, and may include counseling, rehabilitative services and other incidental services customarily provided by group homes. This shall not include missions, detoxification centers or detention centers.

The applicant has stated that the proposed facility is not a mission, detoxification center, or a battered women’s shelter. The facility will provide temporary housing for a maximum of 8 women with their children and one female veteran, for a maximum of 36 residents. The facility will provide case management services including: individualized

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assessment, developing family goal plans, identifying short and long-term objectives, and establishing timelines for overcoming barriers to self-sufficiency. In addition, the residents are provided with the following services: job search guidance, life skills classes (parenting, nutrition, financial management, and budgeting), health care, and transportation to job interviews and medical care. The applicant has stated that the average occupancy length for residents is from two to three months.

3. *Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:*

Previous Major Amendments granted Exceptions to allow a maximum lot coverage of 31.6% and to reduce the minimum required side yard setback from the south property line from 25 feet to 20 feet 8 inches. The applicant is not requesting any additional Exceptions as a part of this application.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

Group homes are identified as a conditional use in the Office Commercial District. Chapter 17.12.030 of the Rapid City Municipal Code identifies issues that should be addressed as a part of any application for a group home. Those include a detailed program and services plan, compliance with the building, fire and health codes. Additional information can be required such as; hours of operation, type and extent of supervision, services and programs to be provided, number of persons, and proximity to other group homes. The applicant has submitted an operations plan that describes the intentions of the facility and the services that are being proposed.

The applicant held a neighborhood meeting on September 16, 2014 to inform the neighbors of the proposed group home. City staff has received a number of letters in support of and in opposition to the proposed use at this location. At the time of this writing, staff has received 50 letters in support of the proposed group home. In addition, staff has received a petition with 133 signatures and two letters opposing the proposed group home at this location.

The structure located on the property was constructed as an assisted living center and the interior floorplan has not subsequently been changed. The applicant is proposing to use approximately half of the structure as living space, play area, and offices. Staff does have some concern regarding the use of the remainder of the structure. The applicant has indicated that the remainder of the structure will be designated no-use. The applicant should be aware that a Major Amendment will be required to add a use to the remainder of the building. Parking will be an issue if the applicant proposes to expand the group home.

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The Rapid City Chief of Police and the Pennington County Sheriff have provided a letter in support of the proposed group home at this location and have stated that they have toured the proposed facility.

- 6. The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:*

As noted above, Exceptions were previously granted for lot coverage and the side yard setback of the existing structure. The applicant is not requesting any additional Exceptions.

Staff has also reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

- 1. The location, character and natural features of the property:*

The property is located on the southwest corner of the intersection of Fox Run Drive and 5<sup>th</sup> Street. The property is developed with a commercial structure that was originally used as an assisted living center and has subsequently been converted to allow for the sale of medical supplies and medical equipment rentals with offices and storage. The parking lot is located on the west side of the property. The south side of the property is located within the Federally designated 100-year Floodplain and developed as a drainage area. All structural development is located outside of the floodplain.

- 2. The location, character and design of adjacent buildings:*

The property is located adjacent to 5<sup>th</sup> Street and Fox Run Drive. On the east side of 5<sup>th</sup> Street Drive are three story apartment buildings. On the north side of Fox Run Drive is a two story commercial structure which is the location of the Rapid City Veterans Affairs Clinic and Q Laser. Property to the south is owned by the City of Rapid City and is primarily located within the Federally designated 100-year Floodplain and is developed as a drainage area. Properties to the west along Fox Run Drive are developed with one-story townhomes and single-family dwellings.

- 3. Proposed fencing, screening and landscaping:*

Previously, an Exception was granted to waive the screening requirement along the west lot line. The applicant is now proposing to install a 6 foot high opaque screening fence along the parking lot on the west property line. In addition to the fence, there is currently a mature hedge along the west property line which should provide an additional buffer for the adjacent townhome.

- 4. Proposed vegetation, topography and natural drainage:*

The applicant is not proposing any new structural development on the property. No additional landscaping is proposed. The existing landscaping is mature and serves as a

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physical buffer from properties to the south and west. Portions of the south side of the property are located within the Federally designated 100-year Floodplain. No development is proposed in this area.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

The proposed facility will have space for 8 women with children and one female veteran in need of transitional housing with a maximum of 36 residents. In addition, there will be one full time staff member on site working 8 hour shifts, a case manager, and potentially up to two volunteers. The parking has been calculated at one parking space per resident and one parking space per staff member. As such, 13 parking spaces are required as per the submitted operational plan. There are 16 parking spaces with two being handicap accessible currently located on the property. The parking is in compliance with Chapter 17.50.270 of the Rapid City Municipal Code. However, any expansion to the proposed use on the property will require a Major Amendment to the Planned Development to ensure that sufficient parking is provided.

There is a property line sidewalk along 5<sup>th</sup> Street and Fox Run Drive. Vehicular access to the property is from Fox Run Drive. Handicap accessible parking is marked and an ADA accessible ramp provides access to the structure.

6. *Existing traffic and traffic to be generated by the proposed use:*

Transportation planning has reviewed the proposed group home and has indicated that the proposed use does not require a traffic impact study. The proposed group home should generate approximately 7 peak hour trips as per the Institute of Transportation Engineers "Trip Generation Manual" Ninth Edition.

7. *Proposed signs and lighting:*

Currently, there is an existing monument sign located on the northeast corner of the property adjacent to the intersection of Fox Run Drive and 5<sup>th</sup> Street. The applicant has indicated that no signage is being proposed as a part of this application. In addition, there is existing lighting on the exterior of the building. No additional lighting is being proposed.

8. *The availability of public utilities and services:*

The property is served by Rapid City water and sewer.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

The Zoning Ordinance is the tool that implements the Comprehensive Plan. The adopted Comprehensive Plan identifies the future land use designation of the property as Urban Neighborhood. The proposed group home is a conditional use in the Office

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Commercial District. The Rapid City Community Development Director has indicated that housing women and children experiencing homelessness and in need of the tools to improve their situation is identified as a high priority need in the City's Consolidated Plan.

*10. The overall density, yard, height and other requirements of the zone in which it is located:*

As noted above, Exceptions for lot coverage and the side yard setback were previously granted. The applicant is not requesting any additional Exceptions.

*11. The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation:*

The applicant has identified that a six foot high opaque screening fence will be installed along the west property line providing a buffer in addition to the existing mature hedge along the parking lot. The proposed screening fence will provide a physical separation from the townhome located directly west of the parking lot. The applicant has indicated that there will be a curfew of 9:00 p.m. for residents of the facility. In combination, this will mitigate potential effects of noise and light pollution.

The applicant has also submitted a floor plan that identifies indoor and outdoor play areas for children. The floor plan identifies approximately 411 square feet of indoor play area and approximately 1,186 square feet of outdoor play area. The floor plan identifies that a security fence will be installed to provide a secure outdoor play area setback 25 feet from 5<sup>th</sup> Street. Staff has noted concern with the location of the property adjacent to 5<sup>th</sup> Street and Fox Run Drive. However, the proposed secure indoor and outdoor play areas should mitigate any potential nuisances and provide adequate separation between children and the traffic located along the adjacent streets.

*12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:*

The stipulations of approval will serve as the tool to ensure that the proposed development is in compliance with the Zoning Ordinance, building code and International Fire Code. In addition, the opaque screening fence should provide an additional buffer to the adjacent townhome and will be required prior to occupancy of the structure.

In order to ensure that the facility is being operated in compliance with the applicant's operational plan and to review the impact of the use within the neighborhood, staff recommends that the Major Amendment to the Planned Development be reviewed in 6 months at the May 7, 2015 Planning Commission meeting.

Notification: The mailings and sign have been picked up. The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the November 6, 2014 Planning Commission meeting if this requirement has not been

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met.